

1 I'm getting his answer.

2 MR. SPITZER: You're not getting the answers you
3 wish, Your Honor.

4 JUDGE SIPPEL: No. I'm not going to argue with
5 you. I'm not getting -- I'm getting his answers.

6 MR. SPITZER: That's correct.

7 JUDGE SIPPEL: And that's --

8 MR. SPITZER: And he's been consistent since day
9 one in this proceeding.

10 JUDGE SIPPEL: Well, I -- But that's what this
11 case is all about.

12 MR. SPITZER: That's correct.

13 JUDGE SIPPEL: I'm not going to draw any
14 conclusions here. I'm simply trying to get some
15 information.

16 But I will sustain your objection. I'll withdraw
17 that question.

18 I want to go back and ask you again, however, I'm
19 still not clear in terms of how you weigh the significance
20 to what you're hearing from or you're getting from Ms.
21 Richter on April 20 and what you're receiving from Mr.
22 Lehmkuhl in February of '95.

23 What you got from Mr. Lehmkuhl in February of '95
24 looked to me like it was important enough -- Well, you gave
25 your explanation. But in any event it went, clearly it went

1 to Mr. Milstein's and it went to outside counsel and it went
2 to in-house counsel.

3 Now, I understand that you didn't have outside
4 counsel at that time as you do, as you did -- That you
5 didn't have it in '93 as you would in the relationship that
6 you had in '95. But you're not sure as to --

7 Am I right? That you're not sure as to whether or
8 not the April 20 letter went from your office to the
9 Milsteins or not, or -- ?

10 THE WITNESS: No. It doesn't look like I did send
11 it to them. If there was something in the files I would
12 put, generally mark it right on the face of the letter like
13 I do there. And I don't know why I would have sent this to
14 them if I dealt with it directly with counsel.

15 JUDGE SIPPEL: And the only follow-up that you did
16 with respect to Mr. Nourain's comment was to follow
17 up on the STA process.

18 THE WITNESS: Yes. That's what the letter asked
19 me to do.

20 JUDGE SIPPEL: Well, I mean, that's what you
21 thought the letter --

22 THE WITNESS: Yes, sir.

23 JUDGE SIPPEL: That's what you think the letter
24 asked you to do --

25 THE WITNESS: Yes, sir.

1 JUDGE SIPPEL: -- and you think the letter asks
2 you to do nothing more.

3 THE WITNESS: That's correct, sir. And I did
4 discuss it with counsel, and I read it, and I discussed it
5 with counsel, and if she had flagged anything or said
6 anything that wasn't in this letter I would have acted upon
7 it.

8 JUDGE SIPPEL: And did you ask her about what was
9 giving her pause?

10 THE WITNESS: I don't recall exactly what the
11 discussion was, but we talked about this letter, and I --

12 JUDGE SIPPEL: Well, did you ask her what she
13 meant by competitors being given no ammunition?

14 THE WITNESS: Well, I think she then went on to
15 describe what we should do to make sure that competitors
16 were not given any ammunition. I think it says what it is.

17 JUDGE SIPPEL: No, I --

18 THE WITNESS: That's all --

19 JUDGE SIPPEL: I don't think that you are
20 listening to my question, or else I'm not saying it clearly
21 enough.

22 You are going from the letter to the conversation
23 with Ms. Richter, and that's been established by the billing
24 record. Now, all I'm asking is do you have a recollection
25 as to whether or not you talked with her about this, the

1 concept or the words in here that competitors be given no
2 ammunition?

3 THE WITNESS: No, sir. I presume I didn't because
4 I presumed she went on to explain --

5 If that were the only, if that sentence were the
6 end of the letter, I think I would have called her and said,
7 "I'm calling to," you know, "respond to your letter that's
8 something's given you pause. What is it?" But she then
9 went on to write four other paragraphs, which I took to
10 elaborate on what was giving her pause, and called her and
11 discussed it. The whole letter.

12 JUDGE SIPPEL: But you, you are giving me your
13 rationalization. I'm asking you what your recollection is.
14 If you don't recall, you don't recall.

15 THE WITNESS: I don't recall.

16 MR. SPITZER: Okay. All right.

17 I don't mean to be argumentative with you, but I'm
18 trying --

19 THE WITNESS: No, it's a fair question.

20 JUDGE SIPPEL: -- to get on the same wavelength.

21 THE WITNESS: It's a fair question.

22 JUDGE SIPPEL: Okay. Well, thank you.

23 I think that's all the questions I have, be they
24 fair or otherwise.

25 Does anybody else want to follow up on this? Do

1 you want to Redirect?

2 MR. WEBER: I was thinking about Cross, Your
3 Honor.

4 MR. SPITZER: I have no questions, Your Honor.

5 JUDGE SIPPEL: That's it.

6 MR. WEBER: I have a brief Recross if you'll allow
7 it, Your Honor.

8 JUDGE SIPPEL: Well, you might get an objection,
9 but let's see what it is. Is there something, I bet, that
10 came up since you've asked him?

11 MR. WEBER: Yes.

12 JUDGE SIPPEL: All right. Then you can do that.

13 RECCROSS EXAMINATION

14 BY MR. WEBER:

15 Q On April 20, 1993, were you aware at that time
16 that Bruce McKinnon would soon be leaving Liberty?

17 A I don't recall the date that Bruce gave notice,
18 whether it was two weeks before he left or a month before he
19 left, so I can't say precisely. I may have been, I may not
20 have been, but I don't know the precise date he gave me the
21 notice.

22 Q If Mr. McKinnon had told us that he left on May
23 14, 1993 would you have any reason to believe that that was
24 an incorrect date?

25 A No, I believe Bruce is a very straight fellow, and

1 I presume that's precisely accurate.

2 Q And when Mr. Beckner first questioned you about
3 how much notice did he give, you first stated it might have
4 been two weeks, it might have been a week. Now do you
5 believe it might have been more than two weeks?

6 A Oh, I really don't know. It might have been a
7 couple of weeks, it might have been a week, it might have
8 been three weeks. I doubt if it was more than 30 days, but
9 it was weeks, not months.

10 MR. WEBER: Thank you. That's all.

11 JUDGE SIPPEL: Anything on that?

12 MR. SPITZER: Nothing, Your Honor.

13 JUDGE SIPPEL: Mr. Beckner?

14 MR. BECKNER: Oh, I get to ask questions?

15 JUDGE SIPPEL: Well, it's got to be something that
16 came up since the last time you asked him questions.

17 Go ahead.

18 MR. SPITZER: Your Honor, could I just ask a
19 procedural question? I just want to understand. Usually
20 Redirect or Recross is limited to not only that which has
21 come up but that which has come up from an adverse party.
22 So I'm just trying to determine how we'd capture your
23 examination.

24 JUDGE SIPPEL: Well --

25 MR. SPITZER: You're not going to get --

1 JUDGE SIPPEL: I'm just -- No. He can't get two
2 at the same time. I apologize to the reporter.

3 I just want to be sure -- The only thing I'm
4 trying to do is be sure that I get the record complete, and
5 if this is going to help it I'm going to permit it. But it
6 has to be within a -- There has to be an element of fairness
7 about it, and that's what I'm trying to do.

8 MR. BECKNER: Thank you, Your Honor. I'm still
9 not going to say that you're an adverse party.

10 REDIRECT EXAMINATION

11 BY MR. BECKNER:

12 Q Mr. Price, the presiding judge was asking you some
13 questions about whether or not you might have routed a copy
14 of TW/CV 51, that's the 20th letter, to the Milstein
15 brothers. And I think I understood you to say that you
16 didn't think that you had routed that to them. Is that
17 right?

18 A That's correct.

19 Q Okay. Is that because you considered the April
20 20th letter less important than Mr. Lehmkuhl's February 24,
21 1995 memo, which you did apparently route to the Milstein
22 brothers?

23 A No, it's because it required a conversation and an
24 action which I took rather than something that was -- And
25 also that I took which I presumed was part of an ongoing

1 process. This, as His Honor pointed out before, appeared to
2 be something different which was an unusual document rather
3 than something that was part of an ongoing process.

4 Q And I take it then that you didn't think it was
5 important that the Milsteins be aware of any of the content
6 of April 20th letter?

7 A Well, they were aware of the procedure that we
8 were following, I thought we were following, and this to me
9 appeared to be a restatement of it, and the approval of
10 STA's was going on in the normal course, at least I presumed
11 it was, and telling them that we were processing STA's in
12 the normal course didn't, would seem to be redundant.

13 Q If you'd just take a look at the second page of
14 the letter, whichever copy is easiest for you to read.
15 There's a paragraph that begins, I'm reading here, "The 60-
16 90-120 days," etc. Do you see that paragraph there?

17 A Yes.

18 Q In particular, there is a statement there that
19 says, "Thus Liberty's business plan should allow for the
20 following:" and then there's a description.

21 A Right.

22 Q And what I want to ask you is, I take it you
23 didn't think it was important that the Milsteins know this
24 particular information in this paragraph?

25 A I presumed that the Milsteins were aware of this

1 information, and it was the information that I thought we
2 had already that was guiding the way we were applying for
3 paths.

4 Q Okay. So you didn't think they needed to get this
5 letter because it told them, it would tell them something
6 they already knew?

7 A Yes.

8 Q Okay. Is there anything in this April 20, 1993
9 letter that appears to you to be, to have been new
10 information. That is, information that you didn't know as
11 of the time that you got it?

12 A No, except perhaps that the modification takes
13 longer than the original application, and I'm just
14 speculating now on what might have occurred to me. But
15 other than that it didn't tell me anything I didn't know
16 about the experimental licenses or the processing time. As
17 a matter of fact, it seemed to be quite consistent with what
18 I had heard before.

19 Q Okay. And I take it, again, i'm not going to ask
20 you the same questions you've been asked, but the first
21 paragraph of the letter did not, did not set off any alarms
22 in your mind.

23 A No, it did not, as I have testified before.

24 Q Okay.

25 MR. BECKNER: Nothing further, Your Honor.

1 JUDGE SIPPEL: Okay. I take it -- And this is
2 just to get a current, some current information.

3 Obviously Mr. Nourain is now working for Freedom
4 of New York. Isn't that correct?

5 THE WITNESS: That's correct.

6 JUDGE SIPPEL: He's employed by them? Do you do
7 any kind of, do you have any kind of a role then in Liberty,
8 now Bartholdi's, licensing activities?

9 THE WITNESS: Not in the licensing activities.
10 The maintenance of the microwave network, but not the
11 application of licenses.

12 JUDGE SIPPEL: And is that essentially -- Has
13 there been a transition, so to speak, that the activities
14 with respect to the microwave work is in the maintenance and
15 not in the application end of the business?

16 THE WITNESS: Well, we're not longer involved with
17 RCN or the operation of the company. We're only involved
18 with the maintenance of the microwave network and making
19 sure it doesn't break down. So we're not applying for
20 licenses, and I don't even know what procedure the successor
21 company is using.

22 JUDGE SIPPEL: All right. That's all I have.

23 MR. SPITZER: We have nothing, Your Honor.

24 JUDGE SIPPEL: All right. You are excused.

25 THE WITNESS: Thank you, sir.

1 JUDGE SIPPEL: Thank you for your patience, Mr.
2 Price.

3 (Thereupon, the witness was excused.)

4 JUDGE SIPPEL: We have no other testimony to take
5 at this time? Or is Mr. Nourain -- Or why don't we -- Let's
6 get him started.

7 MR. SPITZER: Can we just take a five minute
8 break?

9 JUDGE SIPPEL: Oh, that certainly is more than
10 fair. Yes. Let's come back at 10 minutes after 11:00 and
11 start with Mr. Nourain.

12 ALL: Thank you, Your Honor.

13 JUDGE SIPPEL: Off the record.

14 (Whereupon, a brief recess was taken.)

15 JUDGE SIPPEL: Okay. We are on the record, and
16 Mr. Nourain is in the courtroom?

17 MS. BEGLEITER: Yes.

18 JUDGE SIPPEL: Are we ready to go forward?

19 MR. BECKNER: Yes, we are.

20 JUDGE SIPPEL: All right. And who is going to be
21 representing Mr. Nourain today?

22 MR. BECKNER: I am. Rich Rindler from Swidler &
23 Berlin, Your Honor.

24 JUDGE SIPPEL: And your last name again, sir?

25 MR. BECKNER: Rindler. R-I-N-D-L-E-R.

1 JUDGE SIPPEL: Thank you. Thank you, Mr. Rindler.
2 Whereupon,

3 BEHROOZ NOURAIN

4 having been first duly sworn, was called as a
5 witness herein, and was examined and testified as follows:

6 JUDGE SIPPEL: Thank you, sir. Please be seated.
7 And be careful again about that water container. You have
8 to take the top off before you pour.

9 THE WITNESS: Okay. I'll just start right now.

10 JUDGE SIPPEL: Mr. Rindler.

11 MR. BECKNER: I'll give the witness a chance to
12 pour himself some water.

13 DIRECT EXAMINATION

14 MR. BECKNER:

15 Q Good morning, Mr. Nourain.

16 A Good morning.

17 Q I'm going to ask you a few questions about,
18 primarily about the time period beginning July of '92 and
19 ending July of '93.

20 Do you recall working with a lawyer named Jennifer
21 Richter of the firm of Pepper & Corazzini during that period
22 I just identified, from July of '92 through July of '93?

23 A Yes, I did.

24 Q Excuse me?

25 A Yes, I did.

1 Q Okay. What kind of work did you do with her?

2 A She was our FCC lawyers, so I, any FCC related
3 work was referred to her.

4 Q So when you needed licenses for new microwave
5 paths was she the person that you used during the period I'm
6 referring to?

7 A Yes.

8 Q Okay. Focusing on the first six months of 1993,
9 when you needed a new microwave license did you call her up
10 and tell her, "I need a new path to" such and such a point,
11 such and such an address? Is that how you worked it?

12 A Not exactly that way.

13 Q Okay. Well, tell me how you worked it.

14 A Well, when we finished the technical, when there
15 was a path was confirmed, the whole technical portion of it,
16 and had Comsearch do the frequency clearance, and at that
17 point I will let her know that she expects to get all the
18 technical information from Comsearch to prepare the file for
19 FCC, and go into the process of obtaining the license.

20 Q Did she as a matter of regular practice advise you
21 when she had actually filed an application for a new path?

22 A No.

23 Q Okay. Did she send you a copy of the application
24 as filed?

25 A Yes. I would get the copy eventually, yes.

1 Q Okay. You say eventually. You mean not right
2 away?

3 A That's correct.

4 Q Okay. Did she advise you of when an application
5 that was filed on Liberty's behalf went on public notice?

6 A No.

7 Q I want you take a look at Tab No. 7 in the
8 notebook -- That one, yes sir. That's been marked as TW/CV
9 Exhibit 57 for the record.

10 JUDGE SIPPPEL: I have 58.

11 MR. BECKNER: 58.

12 MR. BECKNER: I'm sorry. I misspoke.

13 BY MR. BECKNER:

14 Q I want you to look at Tab 6, Mr. Nourain. It's
15 the February 3, 1993 letter to Bruce McKinnon. And that has
16 been marked as TW/CV Exhibit 57.

17 A Yes.

18 Q Okay. You see the letter here indicates a cc to
19 you, a carbon copy?

20 A Yes.

21 Q Okay. Does that refresh your recollection at all
22 about whether or not you were advised by Ms. Richter as to
23 when Liberty's applications went on public notice at the
24 FCC?

25 A Yes. On your previous question I said verbally

1 she will call me and say, "It's there." I would eventually
2 get this notification from her.

3 Q Okay. So as far as you know, this kind of
4 notification by letter of the type that's before you as
5 Exhibit 57 is what her regular practice was in dealing with
6 you in the first six months of 1993?

7 A Yeah. She would generally send those
8 notifications.

9 Q Now, the last paragraph of Exhibit 57 is a request
10 directed to Liberty to send copies of any licenses that the
11 company receives. As far as you know, was that done in the
12 first six months of 1993?

13 A Yes.

14 Q Okay. Did you yourself do that, or was someone
15 else at Liberty responsible for sending her copies.

16 A I would generally send her the copies.

17 Q And did you maintain in your offices a file of FCC
18 licenses that you received during the first six months of
19 1993?

20 A Yes.

21 Q Okay. Was such a file of license maintained in
22 anybody else's office at Liberty as far as you know?

23 A Around that time, originally the licenses were
24 filed in a different location, and after I moved to the
25 location that I was at in 1993, I asked them to send all the

1 licenses to me. Whether they made a copy for themselves at
2 the previous location when Mr. McKinnon was there, I'm not
3 aware of that.

4 But I know that I would, I asked for a copy of the
5 license be sent to me. So I don't know besides myself, did
6 he have one in his possession or not.

7 JUDGE SIPPEL: Would you lay a little foundation
8 for this, about the location? You know, where it was, and
9 what it is? Where that location is in relation to where Mr.
10 Price was? Because I think it's important to understand
11 that.

12 MR. BECKNER: Certainly, Your Honor.

13 BY MR. BECKNER:

14 Q Mr. Nourain, at one time, in either early 1993 or
15 in 1992, was your office physically in the same building or
16 suite of offices as the office of Mr. McKinnon and Mr.
17 Price?

18 A Yes.

19 Q Okay. And was that at Rockefeller Plaza?

20 A Yes.

21 Q Was that -- Is it 30 Rockefeller? Was that the
22 address?

23 A Yes.

24 Q Okay. And then what you're saying is that at some
25 point you moved to a different address?

1 A That's correct.

2 Q Okay. Where did you yourself go from 30

3 Rockefeller?

4 A 215 East 96th Street. Normandy Court.

5 Q And can you tell us when you made that move?

6 A Early summer of 1992.

7 Q In 1992?

8 A That's correct.

9 Q Okay. Now, after you moved to your new location,
10 what happened to the office location of Mr. Price and Mr.
11 McKinnon? Did they stay at 30 Rockefeller?

12 A Yes.

13 Q Okay. Did there ever come a time when they also
14 moved from 30 Rockefeller to a different address?

15 A Yes.

16 Q Okay. And where did they go?

17 A 575 Madison.

18 Q Okay. And when was that move accomplished? If
19 you know.

20 A I don't exactly recall.

21 Q Was it done sometime in 1993?

22 A I think it was probably after that.

23 Q Now, a few minutes ago, before the judge asked me
24 to inquire of you about these moves, you were talking about
25 a request that you had made to have copies of licenses sent

1 to you. Was that request made of the people who remained
2 behind at 30 Rockefeller after you move to, was it to
3 Normandy Court?

4 A That's correct. The licenses were at 30
5 Rockefeller Plaza at the time. And I asked them to -- They
6 keep the copy and send the original to me.

7 MR. SPITZER: Your Honor --

8 THE WITNESS: If they want to.

9 MR. SPITZER: I hate to interject, but one last
10 question, or maybe we can take judicial notice of the fact,
11 since your question had been where the offices were.

12 575 Madison Avenue is between 55th and 56th
13 Streets, I believe. Is that right? 56th and 57th. I'm
14 sorry. On Madison Avenue. Just to give you a sense of
15 proximity to the 96th Street address that Mr. Nourain was
16 at.

17 JUDGE SIPPEL: Okay. Does that go east -- Is that
18 east or west?

19 MR. SPITZER: Madison goes north-south, Your
20 Honor. It's on Madison Avenue, between 56th and 57th
21 Street.

22 JUDGE SIPPEL: Yeah, but is that an east -- Would
23 that be an east address or a west address.

24 MR. SPITZER: On the east side.

25 JUDGE SIPPEL: The east side.

1 MR. SPITZER: On the east side.

2 JUDGE SIPPEL: That's my question. Thank you.

3 BY MR. BECKNER:

4 Q I will take one more geography lesson about New
5 York.

6 About how long, if you're taking a cab from where
7 you are now, Mr. Nourain, to the 575 Madison office, about
8 how long is the cab ride, normally?

9 MR. SPITZER: During rush hour, or -- ?

10 (Laughter)

11 JUDGE SIPPEL: Let's say during normal business
12 hours.

13 THE WITNESS: It's approximately 1.8 miles. And
14 it takes about 15 to 20 minutes.

15 MR. BECKNER: Is there anything else that I should
16 ask about the geography, Your Honor?

17 JUDGE SIPPEL: Not, that's -- I think that's all
18 it needs. Thank you.

19 MR. BECKNER: Okay.

20 BY MR. BECKNER:

21 Q Mr. Nourain, did there come a time in March of
22 1993 when Ms. Richter began work on creating an inventory of
23 Liberty licenses, to your knowledge?

24 A Yes.

25 Q Okay. Do you remember whose idea it was to make

1 such an inventory? Was it yours, or hers, or someone
2 else's?

3 A I don't recall.

4 Q Do you remember if it was your idea to have such
5 an inventory?

6 A I know it wasn't mine because I knew exactly the
7 inventory of the licenses myself.

8 Q Before Ms. Richter started working on creating an
9 inventory, was there any other compilation or list of
10 licenses in existence as far as you know?

11 A Yeah. When I joined the company, I guess Stern
12 Communication had a list, called it a license list. And
13 that's the only thing I know that was in existence at the
14 time.

15 Q Do you know whether or not that list that Stern
16 Communications put together was maintained or updated as the
17 company got new licenses?

18 A It was done prior to my time so I can't answer
19 that. I don't know.

20 Q Okay. But after you came to the company, did you
21 use the Stern inventory or update the Stern inventory as the
22 company got new licenses?

23 A Yeah. I certainly used it to update the licenses,
24 yes.

25 Q Okay. Now, I think you said that you had copies

1 of licenses, or the actual licenses themselves, in a file in
2 your office. Correct?

3 A That's correct.

4 Q Okay. Did you up through say March or April,
5 March/April of 1993, did you have a list of licenses that
6 you kept, or did you just actually have the licenses
7 themselves?

8 A The licenses was issued per transmitter, and at
9 the time equal to the number of transmitters that we had I
10 had an equal number of files, and those licenses were inside
11 of those files, and they were stacked out.

12 Q Okay. But what I wanted to know is, aside from
13 actually having the licenses in the files, did you maintain
14 some sort of a master list of licenses?

15 A No.

16 Q Separate from the licenses themselves.

17 A No, I didn't.

18 Q Okay. Now, turning to Ms. Richter's work in March
19 of '93 to create an inventory, did you work with her in
20 doing that, in making that inventory?

21 A Since all the licenses was issued by FCC and sent
22 directly to Liberty Cable, based on Pepper and Corazzini's
23 advice, I made sure that they will have, list all the
24 licenses, a copy of all the licenses. So whatever licenses
25 they had and I had too.

1 So the list Jennifer Richter put together as an
2 inventory was all the information, or the licenses, that I
3 provided to her. So that's how she got that. She didn't
4 have any other source of obtaining those licenses. And this
5 was given to her by myself or by other people prior to my
6 arrival to Liberty Cable.

7 Q Did you also give Ms. Richter any information
8 about any paths that Liberty might have had that were
9 licensed but that Liberty wasn't, as of March 1993, actually
10 using?

11 A I made the specifical [sic] note that she should
12 have those as well, yes.

13 Q So --

14 A The information on those, yes.

15 Q So you told her which paths were licensed but were
16 not in use as of March.

17 A I -- yes. I told her --

18 Could you repeat the question again?

19 Q Yes. So you told Ms. Richter what paths to your
20 knowledge were licensed to Liberty but were not then being
21 used as of March, 1993.

22 A No. I did not tell her about what paths were
23 licensed and is operational and what path is licensed and is
24 not, but I told them the paths that are licensed and that
25 Liberty will not need to even use them, as part of the

1 information I gave her to delete those paths.

2 Q Okay.

3 A So there were three categories. One that was
4 licensed and was operational; one that was licensed and was
5 under future, to be operational. That was one that was just
6 licensed as distant future, or just somehow it was licensed,
7 I don't know how it was, what was the purpose of it. That
8 was done prior to, again, my joining the company. And at
9 the time that I was dealing with her I specifically asked a
10 few of those paths to be deleted. So there are three
11 categories.

12 Q Okay. How did you identify the paths that were
13 licensed but weren't being used or that you wanted her to
14 delete?

15 A Most of those licenses were engineer incorrect,
16 technically incorrect, was not feasible, and there was no
17 point of even having them.

18 Q Okay. But maybe I didn't make my question clear.
19 What I want to know is, how were you able to recognizer that
20 a particular path for which Liberty had a license was one
21 that you weren't using, and you weren't planning to use, and
22 so therefore should be deleted?

23 A Okay. I have to provide an example for you.

24 Q Okay.

25 A Assume that there is a transmitter sitting on

1 point A, and there is a receiver on point B, which is close
2 to that transmitter and is more feasible, and I decided I'd
3 like to get the license for that particular path from
4 transmitter A. And previously that path has been licensed
5 from another distant transmitter. We'll call it transmitter
6 C. It should not be feasible, nor would provide an adequate
7 technical specification that I desired for the network at
8 the time.

9 Don't forget, a lot of those paths were all
10 designed even before the networks was installed or
11 constructed, for just licensing purposes. So therefore
12 there was no reason to have duplicate licenses, and I
13 created a lot of interference for myself when I was trying
14 to do any future studies.

15 So I asked that the path from distant transmitter
16 C to the receiver B be deleted. That way I would do a
17 correct license for a correct path from the transmitter that
18 I want, and then I will, and also technically I'll be within
19 the parameters that I like to design my system. So those
20 paths were deleted.

21 Q Well, if we can stay with your example for a
22 minute. Can you tell us the process by which you
23 identified, for example, that you were serving point B, and
24 that you had a licensed path to point B from transmitter C,
25 which you weren't using? And so then of course you would

1 know to tell Ms. Richter to delete that path from
2 transmitter C to point B that you weren't using.

3 Was there some kind of cross-referencing that you
4 did?

5 A Yes. On those licenses which I instructed her to
6 delete, there was some location, there was a receive site
7 that was licensed from two different transmitters sometimes.

8 Q I see.

9 A They were very obvious. One of them needed to be
10 deleted. The other one was the example that I mentioned
11 previously about the technical part of it, was the one that
12 I felt one of them was more feasible. Most of the --

13 Some of those licenses were just obtained based on
14 the marketing strategy of the company at the time. When the
15 network wasn't in place, when the network is in place, and
16 then you have to start building it, it's just a different
17 ballgame.

18 Q I understand.

19 Now, in this process of developing the inventory
20 with Ms. Richter, did she supply you with any information,
21 or was the information flow always from you to her?

22 A All the technical information always flow from me
23 to her.

24 Q Okay.

25 A All the legal and FCC related information was her